

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
JIM W. FANG
Assistant United States Attorney
501 Las Vegas Blvd. South, Ste. 1100
Las Vegas, Nevada 89101
Phone: 702-388-6317
Email: jim.fang@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BREON DANTE MIMS,

Defendant.

Case No. 2:21-mj-333-BNW

**Stipulation to Continue the Preliminary
Hearing (First Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Jawara Griffin, Assistant Federal Public Defender, counsel for Defendant Breon Dante Mims, that the preliminary hearing in the above-captioned matter, previously scheduled for August 24, 2021, at 3:30 p.m., be vacated and continued until a time convenient to the Court, but no earlier than 14 days from the current setting.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendant is formally charged by a criminal
2 indictment.

3 2. In that regard, defense counsel is current at trial on a different matter and will
4 need time to review this matter once that trial concludes, to determine whether defendant
5 would accept the government's offer to negotiate a plea deal to resolve the matter pre-
6 indictment. The parties have agreed to a continuance in order to provide defense counsel the
7 additional time needed to review the case.

8 3. This continuance is not sought for the purposes of delay, but to allow the
9 parties to reach a potential resolution before the government moves forward with further
10 prosecution.

11 4. Defendant is not in custody and agrees to the continuance.

12 5. Denial of this request could result in a miscarriage of justice, and the ends of
13 justice served by granting this request outweigh the best interest of the public and the
14 defendants in a speedy trial.

15 6. The additional time requested by this stipulation is excludable in computing
16 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
17 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

18 DATED this 20th day of August, 2021.

19 CHRISTOPHER CHIOU
20 Acting United States Attorney

21 s/ Jim W. Fang
JIM W. FANG
22 Assistant United States Attorney
Counsel for the United States

21 s/ Jawara Griffin
Jawara Griffin
22 Assistant Federal Public Defender
Counsel for Defendant

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FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. Defense counsel is current at trial on a different matter and will need time to review this matter once that trial concludes, to determine whether defendant would accept the government's offer to negotiate a plea deal to resolve the matter pre-indictment. The parties request a continuance in order to provide defense counsel the additional time needed to review the case. The Court finds good cause to continue the hearing to facilitate a potential pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is not in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

